

The opinion in support of the decision being entered today is not
binding precedent of the Board

Paper 135
Filed: 27 July 2007

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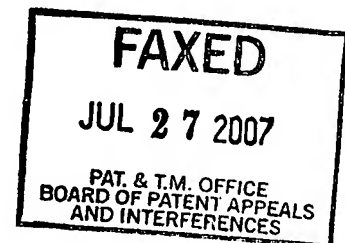
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences, Inc.,
Junior Party
(Application 10/005,842-IFW
Inventors: Jian Ni, Reiner L. Gentz,
Guo-Liang Yu and Craig A. Rosen),

v.

Immunex Corp.,
Senior Party
(Patent 6,642,358
Inventors: Charles Rauch and Henning Walczak).



Patent Interference No. 105,381 (RES)

Before McKELVEY, *Senior Administrative Patent Judge*, and SCHAFER
and MOORE, *Administrative Patent Judges*.

Judgment - Order to Show Cause

- 1 Junior Party Human Genome Sciences (HGS) was put under an order
- 2 to show cause why judgment should not be entered against it. Paper 114.

1 HGS responded. Paper 115. For the reasons given in the Decision - Order
2 to Show Cause entered concurrently herewith (Paper 134), it is

3 ORDERED that judgment as to Count 1 (the sole count in the
4 interference; Paper 1, page 6) is awarded against Junior Party HUMAN
5 GENOME SCIENCES;

6 FURTHER ORDERED that HUMAN GENOME SCIENCES claims
7 35, 36, 38-45, 47-54, 56-61, 75, 83, 92, 99, 100, 102-109, 111-116, 127-133,
8 168-178, 180-203 are unpatentable over prior art 35 U.S.C. § 102(e));

9 FURTHER ORDERED that Junior Party HUMAN GENOME
10 SCIENCES is not entitled to a patent containing claims 35, 36, 38-45, 47-54,
11 56-61, 75, 83, 92, 99, 100, 102-109, 111-116, 127-133, 168-178, 180-203 of
12 Application 10/005,842 (corresponding to Count 1);

13 FURTHER ORDERED that if there is a settlement agreement,
14 attention is directed to 35 U.S.C. § 135(c);

15 FURTHER ORDERED that a copy of this JUDGMENT shall be
16 placed in the files of (1) Application 10/005,842 and (2) Patent 6,642,358;
17 and

1 FURTHER ORDERED that in the event of judicial review, the party
2 seeking judicial review must comply with mandatory notice provisions of 37
3 C.F.R. § 41.8(b) (2006).

<u>/Fred E. McKelvey/</u>)	
FRED E. MCKELVEY)	
Senior Administrative Patent Judge)	
)	
)	
<u>/Richard E. Schafer/</u>)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

cc (FAX):

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